



**U.S. Department of Justice**

***United States Attorney  
Western District of Wisconsin***

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Address:

222 West Washington Avenue

Suite 700

Madison, Wisconsin 53703

December 7, 2020

Peter Moyers  
Federal Defender Services of Wisconsin  
22 East Mifflin Street, Suite 1000  
Madison, WI 53703

Re: *United States of America v. Timothy Thomas*  
Case No: 20-cr-148-wmc

Dear Attorney Moyers:

Attached to this letter are discovery items 1-118 along with an Excel spreadsheet containing the discovery log.

The enclosed materials and any future discovery provided to you which may exceed the scope of discovery mandated by the Federal Rules of Criminal Procedure, federal statute, or relevant case law is provided voluntarily and solely as a matter of discretion. By producing such materials to you, the government does not waive its right to object to future discovery requests beyond the scope of its obligations.

Discovery Conference

Federal Rule of Criminal Procedure 16.1 directs the parties to confer and try to agree on a timetable for Rule 16 disclosures. I am available to confer at your convenience.

Request for Reciprocal Discovery

With this letter, the government requests that you provide, one month before trial, all reciprocal discovery to which it is entitled under Federal Rules of Criminal Procedure 16(b) and (c) and 26.2, including, but not limited to:

1. Inspection and/or copies of all books, papers, documents, photographs, tangible objects, or portions thereof in the possession, custody, or control of the defendant and which the defendant intends to introduce as evidence in his case-in-chief at trial.

2. Inspection and/or copies of the results of any reports of physical or mental examinations and of scientific tests or experiments made in connection with the above-entitled case within the possession or control of the defendant which the defendant intends to introduce as evidence in his case-in-chief at trial or which have been prepared by a witness whom the defendant intends to call at trial.

3. Inspection and/or copies of all statements made by all witnesses whom the defendant intends to call at trial.

Notice of Audio/Visual Evidence

This letter will serve as notice that, should the case proceed to trial, the United States intends to introduce in its case-in-chief, the audio and video evidence disclosed herein and in subsequent discovery productions. Moreover, the United States reserves its right to use any audio/video evidence provided to you in discovery for rebuttal or cross-examination.

Request for Notice of Defenses

The government also requests notice of any intention of your client to rely on an entrapment defense or a defense involving mental condition or duress, and/or an alibi defense for charged offenses. As it relates to the alibi demand, the government notes the time, date, and location for this charge:

Count 1: November 7, 2020, 6:00 pm – 7:00 pm, Amtrak Train (Camp Douglas, Monroe County, Wisconsin)

Consistent with the Court's practice, absent relief from the Court, the pretrial motions date is also the deadline for defense notices under Federal Rules of Criminal Procedure 12.1 through 12.3.

If you have any questions regarding this matter, please do not hesitate to contact me at (608) 264-5158.

Very truly yours,

SCOTT C. BLADER  
United States Attorney

By: /s/  
CHADWICK M. ELGERSMA  
Assistant United States Attorney